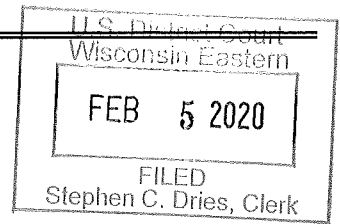


## UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin



United States of America

v.

TODD J. NAZE, dob xx-xx-65

Case No.

20-M-618

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September and October 2018 in the county of Brown in the  
Eastern District of Wisconsin, the defendant(s) violated:

*Code Section*

18 U.S.C. Sections 2251(a)

*Offense Description*

Count One through Six- Between September and October 2018, in the State and Eastern District of Wisconsin, TODD J. NAZE knowingly and intentionally used Minor Female 1, Minor Female 2, and Minor Female 3, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had been mailed, shipped, and transported in interstate or foreign commerce, specifically, a hidden recording device, external storage devices, and computer. The specific dates, Minor Female, and files are further described in the attached affidavit.

This criminal complaint is based on these facts:

See Attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Green Bay Police Department Detective Eric Jaeger

Printed name and title

Sworn to before me and signed in my presence.

Date: 2-5-2020City and state: Green Bay, Wisconsin

Judge's signature

Honorable Jame R. Sickel

Printed name and title

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT & ARREST WARRANT**

Eric Jaeger, being first duly sworn, states that:

### **Background**

1. I have been employed as a Detective with the Green Bay Police Department (GBPD) for approximately one year and an officer with GBPD for approximately 20 years. While employed at GBPD, I have investigated violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training at seminars, classes, discussions with other knowledgeable agents and everyday work related to conducting these types of investigations. I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media.

2. I am aware of the following federal statutes concerning child pornography:

a. 18 U.S.C. § 2251(a) and (e) prohibits any person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, or attempting or conspiring to do so.

b. 18 U.S.C. § 2256 – “sexually explicit conduct” includes the lascivious exhibition of the anus, genitals, or pubic area of any person. In establishing whether an image is lascivious, the focus of the image must be on the genitals or the image must be otherwise sexually suggestive. *United States v. Miller*, 829 F.3d 519 (7<sup>th</sup> Cir. 2016). In making this determination, the fact finder will look to the image itself as well as the creator’s intent in making the video.

**Basis for Information in Affidavit**

3. The statements contained in this affidavit are based in part on the following: information provided by GBPD and Brown County Sheriff Department deputies (BCSD) and investigators; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by federal agents; independent investigation and analysis by GBPD and BCSD analysts and computer forensic professionals; and my experience, training and background as a Detective with GBPD. This affidavit includes only those facts that I believe are necessary to establish probable cause and does not include all of the facts uncovered during the investigation. Based on my investigation and the information supplied to me by other law enforcement personnel, I have probable cause to believe the following regarding Todd J. Naze, dob XX/XX/65.

**Facts Establishing Probable Cause**

4. On December 31, 2019, Adult Female 1 met with BCSD and provided to them a hard drive containing image and movie files of females using the toilet in a staff bathroom at Southwest High School in Green Bay, Wisconsin. In the process of doing so, the females are exposing their pubic and genital area. The video files appeared to have been created from a camera hidden in the bathroom and vary in length from approximately 40 minutes, containing video of multiple women, to videos of shorter duration. Adult Female 1 stated the hard drive provided to law enforcement is a copy made approximately one year ago of a hard drive she found belonging to Todd Naze. Adult Female 1 recognized Naze, a counselor at Southwest High School, in some of the videos setting up the recording device. Adult Female 1 stated she and

Naze had a verbal disturbance during which she told Naze that she would provide the police with the videos. Adult Female 1 indicated Naze responded by saying “I hate you, and you know what happens to people I hate.” Adult Female 1 advised that Naze also threatened Adult Female 1’s children who live at their residence.

5. Law enforcement obtained consent from Adult Female 1 to search the residence she shared with Naze. Adult Female 1 advised that Naze used an iPod with Velcro attached to make the videos. Law enforcement seized several computers and media storage devices from Naze’s bedroom located at the residence.

6. On January 2, 2020, law enforcement searched Naze’s office at Southwest High School as well as the female bathroom by his office. Law enforcement seized two iPod devices containing a hook and loop as well as several USB Flash Drive devices from Naze’s office area. Law enforcement confirmed that a desk was located in the bathroom positioned directly across from the toilet. The desk contained a drawer, facing the toilet, which contained a small hole in the metal. Inside the drawer, law enforcement observed a hook and loop affixed close to the hole that appeared to correspond with the hook and loop on the iPod devices.

7. On January 6, 2020, I applied for and received search warrant authorizing the forensic examination of the computers and media storage devices obtained from Naze’s residence and office. I know that one of the seized iPod’s contained movie files ranging in length from approximately 40 minutes to movie files of shorter duration.

8. I am aware that GBPD Detective Beck has met with thirty females thus far that have identified themselves in either image or movie files capturing the surreptitious recordings of them using the Southwest High School female’s bathroom located near Naze’s office. At this

time, law enforcement has identified seventeen of the females as minors at the time of the recording, seven of which are current students. I know that law enforcement has not completed their forensic exam of the media storage devices and many of the females depicted in the movie and picture files recovered have not been identified. Law enforcement's investigation and examination of the media devices will continue.

9. I was assisted in this case by BCSD Sergeant Tracy Holschbach who is trained in the forensic examination of computers and storage media devices for child pornography and other evidence. Sgt. Holschbach examined three flash drive devices seized from Naze's bedroom. Her findings include the following:

a. One 64 GB flash drive contained approximately 116 images of females being secretly recorded exposing their pubic area while using the toilet in a single stall bathroom, consistent with the appearance of the Southwest High School bathroom by Naze's office.

b. One 128 GB flash drive contained approximately 347 videos of unidentified females being secretly recorded exposing their pubic area while using the toilet in that Southwest High School bathroom. Additionally, the flash drive contained approximately 74 screen capture images from the above described videos. The screen capture image files can generally be described as still images of the most sexually explicit part of the video depicting females exposing their pubic area while using the toilet.

c. One 128 GB flash drive contained 3,425 files, the majority of which depicted females using the toilet in the Southwest High School bathroom. Sgt. Holschbach identified 1,952 videos and 480 image files. The files on the flash drive were divided into 56 folders by the individual possessing the device, believed to be Naze. Many of the

folders were titled with a females name or other identifying characteristic. Sgt.

Holschbach located image and movie files unique to that particular female in the folder along with in some instances a photograph of the female. Many of the females appeared to be current or previous Southwest High School students.

d. Some, but not all, of the images contained metadata – that is, data within data – which includes information about the images which is embedded in the image itself. Metadata can include, among other things, information about the date, time, and location at which an image is created, or the device used to create an image.

e. According to metadata contained within some of the movie and image files Naze produced, the dates of creation of some of the movies/images ranged from between 2018 and 2019. Further, the images were taken with an iPod. Naze then produced the movie and image files using the iPod, at least one hard drive copied by Adult Female 1, and multiple flash drives. These devices were made outside the state of Wisconsin, and thus were produced using materials that traveled in interstate commerce.

f. In general, the videos of the minor females depict the minor from the waist down and only in camera view when directly in front of the toilet. The video recording captures the minor pulling down her pants and sitting on the toilet, wiping her genital area with toilet paper before standing up, pulling up her pants and exiting the camera view. Often, there are one or more screen capture image files of the most explicit moment where the genitals or pubic area is exposed. In some of the videos, the minor is captured removing or inserting a tampon. In some of those instances, there are one or more screen capture files of that act. Some of the specific identified Minor Females and associated

folder containing movie/image files are more specifically described as follows:

(1) Minor Female 1- folder containing 8 videos taken between September 2018 and May 2019, as well as 6 screen captures from those videos. One movie file is 1 minute and twelve seconds in length and entitled *Img\_3642.mov*- produced on October 30, 2018. **(Count One)**. The movie depicts the lower torso of Minor Female 1 entering the Southwest High School bathroom, pulling down her pants exposing her pubic area, sitting on the toilet and then using toilet paper to wipe her genital area. Minor Female 1 pulls up her pants and exits camera view. Minor Female 1 identified herself in one or more videos based on her clothing as her upper torso and face are not visible. The folder also contains a screen capture produced on that same date named *Img\_3642\_moment2.jpg*. **(Count Two)**. This image depicts the lower torso of Minor Female 1 with her pubic area visible and the focal part of the image.

(2) Minor Female 2- folder containing 10 videos taken between 2018 and 2019, as well as 6 screen captures from those videos. One movie file is 3 minutes and 16 seconds in length and entitled *Img\_3117.mov*- produced on September 25, 2018. **(Count Three)**. The movie depicts the lower torso of Minor Female 2 entering the Southwest High School bathroom, pulling down her pants exposing her pubic area, sitting on the toilet and then pulling up her pants and exiting camera view. Minor Female 2 identified herself in one or more videos based on her clothing as her upper torso and face are not visible. The folder also contains a screen capture produced on that same date named *Img\_3113.png*. **(Count Four)**. This image depicts the lower torso of Minor Female 2 with her pubic area visible and the focal part of the image.


(3) Minor Female 3- folder containing 5 videos taken in 2018, as well as 6 screen captures from those videos. One movie file is 31 seconds in length and entitled *Img\_2815.mov*- produced on September 14, 2018. **(Count Five)**. The movie depicts the lower torso of Minor Female 3 entering the Southwest High School bathroom, pulling down her pants exposing her pubic area, sitting on the toilet and then pulling up her pants and exiting camera view. Minor Female 3 identified herself in one or more videos based on her clothing as her upper torso and face are not visible. The folder also contains a screen capture produced on that same date named *Img\_2831.png*. **(Count Six)**. This image depicts the lower torso of Minor Female 3 with her pubic and genital area visible and the focal part of the image.

10. On December 31, 2019, law enforcement arrested and interviewed Naze, who

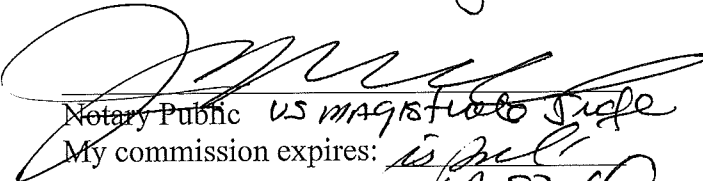


waived his *Miranda* rights. Naze admitted placing an iPod in the female bathroom next to his office. Naze described how he attached his iPod to a desk or dresser in the bathroom such that it faced out towards the toilet. Naze indicated that he filmed females in the bathroom from August 2016 until April or May 2018. Naze admitted he saved the videos to his computer and organized the images or videos of the females in the bathroom with the image and females' name. Naze claimed that he stopped after Adult Female 1 found his hard drive and confronted him about his actions. Naze said he did so in order to take back control of his life and also as a response to the treatment he received from co-workers post-divorce. Naze denied they were for sexual gratification. Naze indicated he deleted the videos and did not share them with others. Naze identified approximately eleven females he recorded and indicated there were approximately thirty in total.

11. Based upon the foregoing information, I believe there is probable cause to believe that Todd Naze produced images of child pornography in violation of 18 U.S.C. § 2251(a) on the above referenced dates.

  
\_\_\_\_\_  
Affiant Eric Jaeger

Subscribed and sworn to before me  
this 5 day of February, 2020.

  
Notary Public US MAGISTRATE JUDGE  
My commission expires: is null  
James R. Sieck